

Ordinance No. 121571

Council Bill No. 114972

AN ORDINANCE vacating a portion of Bellevue Avenue East between Eastlake Avenue East and Interstate 5 in the South Lake Union area on the petition of ZymoGenetics, Inc., King County and Washington State Department of Transportation (C.F. 302209).

CF No. \_\_\_\_\_

Date Introduced: JUL 26 2004	
Date 1st Referred: JUL 26 2004	To: (committee) <b>TRANSPORTATION</b>
Date Re - Referred:	To: (committee)
Date Re - Referred:	To: (committee)
Date of Final Passage: 9/7/04	Full Council Vote: 9-0
Date Presented to Mayor: 9/8/04	Date Approved: 9/13/04
Date Returned to City Clerk: 9/13/04	Date Published: 2008 T.O. <input checked="" type="checkbox"/> F.T. <input checked="" type="checkbox"/>
Date Vetoed by Mayor:	Date Veto Published:
Date Passed Over Veto:	Veto Sustained:

The City of Seattle - Legislative Department  
Council Bill/Ordinance sponsored by: \_\_\_\_\_

**Committee Action**

8/17/04 passed unanimously  
Conlin, P.

9/7/04 PASSED 9-0

This file is complete and ready for presentation to Full Council.

**Law Department**

Law Dept. Review

OMP  
Review

City Clerk  
Review

*me*

# The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: Richard Conlin  
Councilmember

## Committee Action:

8/12/04 passed unanimously 7-0 yes  
Conlin, Kasmussen, Bricker  
9/7/04 PASSED 9-0

This file is complete and ready for presentation to Full Council. Committee: RC 8/17/04  
(Initial/Date)

**Law Department**

Law Dept. Review

OMP  
Review

✓  
City Clerk  
Review

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Indexed

ORDINANCE 121571

AN ORDINANCE vacating a portion of Bellevue Avenue East between Eastlake Avenue East and Interstate 5 in the South Lake Union area on the petition of ZymoGenetics, Inc., King County and Washington State Department of Transportation (C.F. 302209).

WHEREAS, ZymoGenetics, Inc. has filed a petition to vacate a portion of Bellevue Avenue East; and

WHEREAS, following a public hearing on the petition, held on September 17, 2002, the petition was conditionally granted; and

WHEREAS, ZymoGenetics, Inc. has acquired the property interests from King County and Washington State Department of Transportation; and

WHEREAS, the petitioner has fulfilled the City Council Conditions, and

WHEREAS, pursuant to Section 35.79.030, RCW, and Seattle Municipal Code Chapter 15.62, the petitioner has paid the City a vacation fee of \$412,500, which amount is one-half the appraised value of the property approved for vacation, according to an appraisal obtained by the Director of Transportation; NOW, THEREFORE,

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

Section 1. That portion of Bellevue Avenue East in France's Addition, as recorded in Volume 1 of Plats, Page 195, Records of King County Washington, from the north line of East Park Addition, as recorded in Volume 8 of Plats, Page 83, Records of King County, Washington to the southeasterly margin of Eastlake Avenue East, is hereby vacated; also RESERVING to the City of Seattle the right to make all necessary slopes for cuts or fills upon the above-described property in the reasonable original grading of any rights-of-way abutting upon said property after said vacation.

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE  
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1 Section 2. This ordinance shall take effect and be in force thirty (30) days from and after  
2 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days  
3 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

4 Passed by the City Council the 7<sup>th</sup> day of September, 2004, and signed by me in open  
5 session in authentication of its passage this 7<sup>th</sup> day of September, 2004.

6  
7  
8 [Signature]  
President of the City Council

9 Approved by me this 13<sup>th</sup> day of September, 2004.

10  
11 [Signature]  
Gregory J. Nickels, Mayor

12 Filed by me this 13<sup>th</sup> day of Sept., 2004.

13  
14 [Signature]  
City Clerk

15  
16 (Seal)

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**Return Address:**

Seattle City Clerk's Office  
600 4th Avenue, Room 104  
Seattle, WA 98104



20040924000343  
SEATTLE CITY CLERK  
PAGE 001 OF 003  
09/24/2004 10:03  
KING COUNTY, WA

WASHINGTON STATE RE:

Please print or type information

**Document Title(s)** (or transaction contained therein): (Insert Ordinance or Resolution Number Here)  
1. Ordinance No. 121571

AN ORDINANCE vacating a portion of Bellevue Avenue East between Eastlake Avenue East and Interstate 5 in the South Lake Union area on the petition of ZymoGenetics, Inc., King County and Washington State Department of Transportation (C.F. 302209).

**Grantor(s)**

- ☐ 1. City of Seattle  
☐ Additional names on page \_\_\_ of document.

**Grantee(s)** (Last name first, then first name and initials)

- ☐ 1. N/A  
☐ 2.  
☐ 3.

**Legal description** (abbreviated: i.e. lot, block, plat or section, township, range)

- ☐ Additional reference #'s on page \_\_\_ of document  
☐ N/A

**Assessor's Property Tax Parcel/Account Number**

- #  
☐ Assessor Tax # not yet assigned.  
☐ N/A

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FILED  
CITY OF SEATTLE  
04 NOV -1 PM 3:02  
CITY CLERK

Melina Gray/mjg  
SDOT Bellevue EST Vac Ord  
May 7, 2004  
version #1a

ORDINANCE 121571

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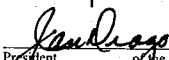
NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE  
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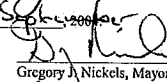


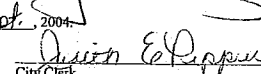
Molra Gray/mjg  
SDGTBellevueEstVacOrd  
May 7, 2004  
version #1a

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2 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days  
3 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

4 Passed by the City Council the 7<sup>th</sup> day of September, 2004, and signed by me in open  
5 session in authentication of its passage this 7<sup>th</sup> day of September, 2004.

6  
7  
8   
9 President of the City Council

10 Approved by me this 13<sup>th</sup> day of Sept, 2004.  
11   
12 Gregory J. Nickels, Mayor

13 Filed by me this 13<sup>th</sup> day of Sept, 2004.  
14   
15 City Clerk

16 (Seal) STATE OF WASHINGTON } ss  
17 COUNTY OF KING  
18 CITY OF SEATTLE

19 I, JUDITH E. PIPPIN, CITY CLERK OF THE CITY OF SEATTLE DO HEREBY  
20 CERTIFY THAT THE WITHIN AND FOREGOING IS A TRUE AND CORRECT  
21 COPY OF

22 Ordinance 121571

23 AS THE SAME APPEARS ON FILE, AND OF RECORD IN THIS DEPARTMENT

24 IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND AND AFFIXED  
25 THE SEAL TO THE CITY OF SEATTLE, THIS 24<sup>th</sup> day of Sept, 2004

26 JUDITH E. PIPPIN  
27 CITY CLERK

28 BY   
DEPUTY CLERK



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Moirn Gray  
May 21, 2004  
SDOTBellevueAveESrVacOrd  
Version #: 3

Form revised March 16, 2004

**FISCAL NOTE FOR NON-CAPITAL PROJECTS**

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Transportation	Moirn Gray 684-8272	Jennifer Devore 615-1328

**Legislation Title:**

AN ORDINANCE vacating a portion of Bellevue Avenue East between Eastlake Avenue East and Interstate 5 in the South Lake Union area on the petition of ZymoGenetics, Inc., King County and Washington State Department of Transportation (C.F. 302209).

• **Summary of the Legislation:**

This Council Bill vacates a portion of Bellevue Avenue East in the South Lake Union area.

• **Background:**

This is the final step in the vacation petition of ZymoGenetics, Inc. (Zymo). The City Council approved the vacation petition in 2002. Zymo completed their development activities – the expansion of their research and development building this spring. They have satisfied all of the Council Conditions and paid the vacation fee. Please see Attachment 1 for a map that reflects the location of the vacation, and Attachment 2 for a list of Conditions.

• **Please check one of the following:**

☐ **This legislation does not have any financial implications.** (Stop here and delete the remainder of this document prior to saving and printing.)

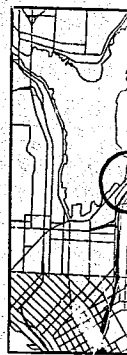
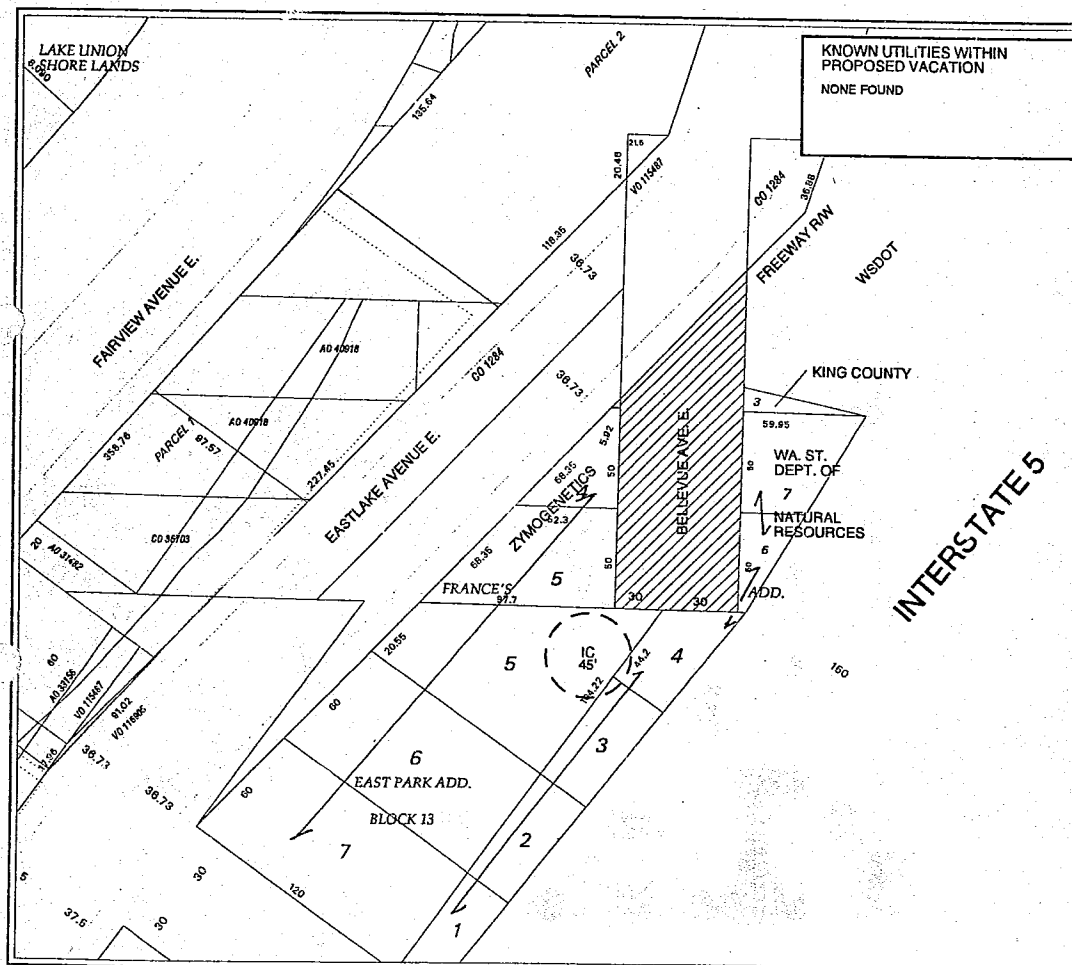
☒ **This legislation has financial implications.** Although this legislation does not accept or appropriate funds, SDOT received a vacation fee of \$412,500 in April of 2004, which was divided between the CRF and the Street Vacation Subfund at that time. In 2003, SDOT also received \$35,000 as a Council Condition of the vacation for future improvements at Fairview Avenue North. The \$35,000 will not be appropriated or spent during this budget cycle. (Zymo also contributed \$15,000 directly to the Friends of Rogers Playground community group for improvements at Rogers Playground beyond those funded by the Department of Parks and Recreation.

Attachment 1: Map

Attachment 2: Conditions for the subject vacation







2658

PROPOSED VACATION

VACATION AREA = 8,250 SQ. FT.

SCALE 1"=60' KROLL 36W 1/4 SECTION

### VACATION SKETCH

CITY CLERK FILE NO. 304920  
 VACATION PETITION NO. 3818  
 VALID SIGNATURES INDICATED BY \_\_\_\_\_  
 DISPOSITION: \_\_\_\_\_  
 APPROVD \_\_\_\_\_ DENIED \_\_\_\_\_ TERMINATED \_\_\_\_\_  
 INCOMPLETE SIGNATURES INDICATED BY \_\_\_\_\_  
 VACATION ORDINANCE NO. \_\_\_\_\_ DATE \_\_\_\_\_  
 MADE BY CM CHECKED BY MLS DATE \_\_\_\_\_



**IN THE MATTER OF THE PETITION OF ZYMOGENETICS, INC. FOR THE  
VACATION OF A PORTION OF BELLEVUE AVENUE EAST  
CLERK FILE 304920**

The City Council hereby grants approval of the petition of ZymoGenetics, Inc.  
(Petitioner) for the vacation of:

**That portion of Bellevue Avenue East in France's Addition, as recorded in  
Volume 1 of Plats, Page 195, Records of King County Washington, from the  
north line of East Park Addition, as recorded in Volume 8 of Plats, Page 83,  
Records of King County, Washington to the southeasterly margin of Eastlake  
Avenue East.**

It is recommended that the vacation be granted upon the Petitioner meeting the following conditions. The Petitioner shall demonstrate that all conditions imposed by the City Council have been met, to the satisfaction of the City, prior to the passage of the final street vacation ordinance.

1. The vacation is granted to allow the Petitioner to build a project substantially in conformity with the project presented to the City Council and for no other purpose. The project must be substantially in conformity with the proposal reviewed by the Transportation Committee in September of 2002.
2. All street improvements shall be designed to City standards and be reviewed and approved by SDOT; including ingress and egress, turning movements to access the building, service, loading and drop-off areas, signage, street trees, landscaping and other elements of the street improvement plan.
3. The Petitioner shall provide, as part of its public benefit package, and prior to the completion of the vacation process, standard street improvements (sidewalks, street trees, lighting and other elements) extending beyond the project site and north to the end of the WSDOT property. This will extend the improvements about 180 feet to the north and help to provide a better environment for pedestrians.
4. Although no utility issues have been identified, should any utility issues be identified during development such issues shall be resolved to the full satisfaction of the affected utility prior to the approval of the final vacation ordinance. This may include easements, restrictive covenants, relocation agreements, or acquisition of the utilities, which shall be at the sole expense of the petitioner.
5. It is expected that development activity will commence within 18 months of this approval and the development activity will be completed within five years. If the vacation cannot be completed within five years, the Transportation Committee must approve an extension of time. In order to insure timely compliance with the conditions imposed by the City Council, the petitioner shall provide SDOT with Quarterly Reports, commencing following Council approval of the vacation,



*Attachment 2 to Fiscal note*

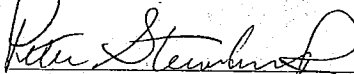
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Honorable Richard Conlin  
10/02/02  
Page 2 of 2

providing an update on the development activity and schedule and the progress on meeting the conditions.

6. In addition to the conditions imposed through the vacation process, the project, as it proceeds through the permitting process, is subject to SEPA and to conditioning pursuant to various City codes and through regulatory review processes including SEPA.
7. The Petitioner shall provide proposed community fund monies prior to the completion of the vacation process. The proposed fund is \$50,000 of which \$15,000 shall be provided to Parks for the sole purpose of completing planned improvements at Rogers Playfield. The remaining \$35,000 shall be provided to SDOT for the sole purpose of improvements at Fairview Avenue East and Fairview Avenue North with the goal of slowing traffic, improving public safety or enhancing the environment for pedestrians and bicycles.
8. The Petitioner shall be required to develop a Transportation Management Program (TMP) to mitigate the traffic and parking impacts from the proposal. A TMP should be adopted separately for the 1208 Eastlake Avenue East building expansion with program elements and goals consistent with the TMP at the current Zymo facilities. The TMP should be prepared consistent with DCLU Director's Rule 2-94.

Signed by me in open session this 7<sup>th</sup> day of October,  
2002.



Honorable Peter Steinbrueck, President of the City Council

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## City of Seattle

Gregory J. Nickels, Mayor

### Office of the Mayor

July 6, 2004

Honorable Jan Drago  
President  
Seattle City Council  
City Hall, 2<sup>nd</sup> Floor

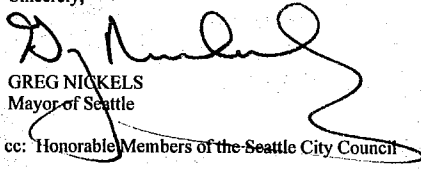
Dear Council President Drago:

The attached proposed Council Bill vacates a portion of Bellevue Avenue East between Eastlake Avenue East and Interstate 5 in the South Lake Union area on the petition of ZymoGenetics, Inc., King County, and Washington State Department of Transportation (WSDOT). ZymoGenetics acquired the interests of King County and WSDOT and is the only remaining petitioner.

The petition was for the purpose of expanding ZymoGenetics' research and development building located south of the right-of-way. The expansion allowed the corporation to increase its existing 50,000 square foot facility by an additional 57,000 square feet. The City Council conditionally approved the vacation petition in 2002, and the facility opened in June.

ZymoGenetics has satisfied all of the Council Conditions, including providing \$15,000 to the Eastlake Community for Rogers Playfield improvements, \$35,000 for future pedestrian improvements in the area, and a vacation fee of \$412,500. We have attached to the fiscal note a list of the Conditions for the vacation and a map showing its location. Should you have questions, please contact Moira Gray at 684-8272.

Sincerely,

  
GREG NICKELS  
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

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600 Fourth Avenue, 7<sup>th</sup> Floor, P.O. Box 94749, Seattle, WA 98124-4749

Tel: (206) 684-4000, TDD: (206) 684-8811 Fax: (206) 684-5360, E-mail: mayors.office@seattle.gov

An equal employment opportunity, affirmative action employer. Accommodations for people with disabilities provided upon request.



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STATE OF WASHINGTON - KING COUNTY

--SS.

177003  
CITY OF SEATTLE, CLERKS OFFICE

No. ORDINANCE IN FULL

**Affidavit of Publication**

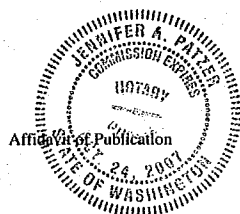
The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12<sup>th</sup> day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:121571 ORD IN FULL

was published on

9/21/2004



*Phil Del*

Subscribed and sworn to before me on

9/21/2004

*Jennifer A. Patzer*

Notary public for the State of Washington,  
residing in Seattle

State of Washington, King County

**City of Seattle**

**ORDINANCE 121571**

AN ORDINANCE vacating a portion of Bellevue Avenue East between Eastlake Avenue East and Interstate 5 in the South Lake Union area on the petition of ZymoGenetics, Inc., King County and Washington State Department of Transportation (C.F. 302309).

WHEREAS, ZymoGenetics, Inc. has filed a petition to vacate a portion of Bellevue Avenue East; and

WHEREAS, following a public hearing on the petition, held on September 17, 2002, the petition was conditionally granted; and

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Passed by the City Council the 7th day of September, 2004, and signed by me in open session in authentication of its passage this 7th day of September, 2004.

Jen Drago  
President of the City Council

Approved by me this 18th day of September, 2004.

Gregory J. Nickels, Mayor  
Filed by me this 13th day of September, 2004.

(Seal) Judith Pippin, City Clerk

Publication ordered by JUDITH PIPPIN, City Clerk.

Date of publication in the Seattle Daily Journal of Commerce, September 21, 2004.

9211172039

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